

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA

GERALD SANDUSKY, :
 :
 Petitioner : CIVIL ACTION NO. 3:22-500
 :
 v. : (MANNION, D.J.)
 : (SAPORITO, M.J.)
 MELISSA HAINSWORTH, *et al.*, :
 :
 Respondents :

ORDER

In accordance with the memorandum issued this same day, **IT IS**

HEREBY ORDERED THAT:

- (1) the Report of Judge Saporito, (**Doc. 2**), is **ADOPTED IN PART**, to the extent that it finds the court lacks jurisdiction over the petitioner's habeas petition, (**Doc. 1**), challenging his conviction;
- (2) the petitioner's objections to the Report, (**Doc. 4**), are **OVERRULED IN PART**, regarding the jurisdictional issue, and **SUSTAINED IN PART**, to the extent that the petitioner requests the court to stay his habeas petition until he is resentenced;

- (3) the petitioner's habeas petition is **STAYED** and held in abeyance pending his resentencing;
- (4) counsel for the petitioner is directed to advise the court after the petitioner is resentenced so that the court can lift the stay; and
- (5) the Clerk of Court is directed to **REMAND THIS CASE** to Judge Saporito for further proceedings consistent with the accompanying Memorandum.

s/ Malachy E. Mannion
MALACHY E. MANNION
United States District Judge

Date: April 28, 2022

22-500-01-ORDER